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71-CV-2020-900162.00
CIRCUIT COURT OF
COFFEE COUNTY, ALABAMA
AMY L. REEVES, CLERK

IN THE CIRCUIT COURT
OF COFFEE COUNTY, ALABAMA

JAMES W. PAIR, JR.,)	CASE NO. 71-CV-2020-_____
)	
Plaintiff,)	
)	
v.)	
)	
WAL-MART STORES EAST, L.P., and)	
FICTITIOUS DEFENDANTS A, B, C, and)	
D, being those persons, corporations, and)	
any other legal entity that may have caused,)	
contributed to, or combined to cause injuries)	
or damage to Plaintiff on or about June 8,)	
2019, and whose true and correct names are)	
unknown at present, but will be added by)	
amendment when ascertained,)	
)	
Defendants.)	

COMPLAINT

COMES NOW Plaintiff, James W. Pair, Jr., by and through his counsel of record,
and states as follows:

THE PARTIES

1. Plaintiff is an individual over the age of nineteen (19) years and is a bona fide resident citizen of New Brockton, Coffee County, Alabama.
2. Defendant, Wal-Mart Stores East, L.P., operates a chain of retail stores throughout Alabama, including the store in Enterprise, Coffee County, Alabama, where Plaintiff was injured. Wal-Mart Stores East, L.P.'s Registered Agent in Alabama is located at Two North Jackson Street, Suite 605, Montgomery, Alabama 36104.

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3. Fictitious Defendants A, B, C, and D: Fictitious Defendant A being the correct name of Wal-Mart Stores East, L.P.; Fictitious Defendant B being the correct Legal Entity engaging in Business in Coffee County, Alabama; Fictitious Defendant C being the person or entity that had supervisory responsibility for the conditions leading to Plaintiff's injury; and Fictitious Defendant D being the correct lawful name of those persons, corporations, firms or other entities whose wrongful conduct caused or contributed to cause the injuries and damages to Plaintiff; all of whose true and correct names are unknown to Plaintiff at this time, but will be substituted by amendment when ascertained.

4. The acts and omissions made the basis of this Complaint were performed or omitted by Defendants or their employees occurred in Coffee County, Alabama. The acts and omissions made the basis of this Complaint performed or omitted by Wal-Mart or by an entity or persons having supervisory authority over the unknown employee occurred in Coffee County, Alabama.

COUNT I

5. On or about June 8, 2019, Plaintiff, while on Defendant's business premises located at 600 Boll Weevil Circle, Enterprise, Alabama, and as a business invitee of Defendant, was shopping in Defendant's store. Due to Defendant's (including Fictitious Defendants A, B, C, and D) failure to maintain the premises in a reasonably safe condition, Plaintiff was caused to trip and fall, suffering injuries to his head, hip, back, and leg. Plaintiff sustained serious, painful and permanent injuries.

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6. Defendants (including Fictitious Defendants A, B, C, and D), as proprietors of a business premises in Coffee County, Alabama, had a duty to maintain the premises in a reasonably safe condition for business invitees.

7. Defendants (including Fictitious Defendants A, B, C, and D) breached its duty as follows:

- (a) Defendants (including Fictitious Defendants A, B, C, and D) negligently and/or wantonly failed to maintain the premises in a reasonably safe condition for individuals who were lawfully upon the premises during business hours;
- (b) Defendants (including Fictitious Defendants A, B, C, and D) negligently and/or wantonly allowed or created the dangerous condition by leaving a clear liquid on floor not readily identifiable as a dangerous obstacle to customers. Defendants know or should have known that leaving the slippery substance on the floor was dangerous for Plaintiff and other invitees;
- (c) If Defendants (including Fictitious Defendants A, B, C, and D) did not have actual knowledge of the conditions complained of, Defendants negligently and/or wantonly failed to inspect the premises in order to discover and correct the dangerous conditions existing there; and
- (d) Defendants (including Fictitious Defendants A, B, C, and D) negligently and/or wantonly failed to take adequate precautions to warn Plaintiff of said dangerous conditions.

8. As a proximate result and consequence of Defendants' negligence and wantonness, Plaintiff suffered the following injurie and damages:

Plaintiff suffered severe injuries to his head, hip, back, and leg to the extent that he required extensive medical treatment to address the injuries receive. He suffered great physical pain and mental anguish. He has undergone doctor, hospital, therapy and drug treatment in an effort to cure his injuries and will in the future be caused to undergo doctor therapy, and drug treatment in an effort to cure his injuries. Plaintiff was permanently injured, scarred, and damaged as a result of said injuries and will remain permanently injured and damaged in the future. Plaintiff was caused to expend great sums of money in an effort to cure his injuries and damages and is expected to expend sums of money in the future for such treatment

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and is entitled to recover the same. Plaintiff was caused to lose wages and will lose wages in the future. Plaintiff was otherwise injured and damaged. Plaintiff seeks compensation for all of his hereinabove injuries and damages as well as other just compensation to which he is entitled under the laws of the State of Alabama.

WHEREFORE, Plaintiff demands judgment against Defendant and/or Fictitious Defendants A, B, C, and D, for compensatory damage in an amount sufficient to compensate the Plaintiff for injuries and damages related to and caused by Defendant's conduct, and an award of Punitive Damages sufficient to punish Defendant for their conduct in such a sum as may be assessed by a jury, together with the cost of this action.

RESPECTFULLY SUBMITTED this the 29th day of December, 2020.

STEPHEN G. McGOWAN, LLC

Stephen G. McGowan /s/
STEPHEN G. McGOWAN (MCG071)
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smcgowan@graceba.net
Attorney for Plaintiff

JURY DEMAND

Plaintiff demands trial by struck jury as to all counts of Plaintiff's Complaint.

Serve Defendant via certified mail at:

Wal-Mart Stores East, L.P.
c/o CT Corporation System
Two North Jackson Street #605
Montgomery, AL 36104